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03-04-04

1616

IN THE UNITED STATES PATENT & TRADEMARK OFFICE:

Applicant: GARY E. GAUMER, ET AL

GROUP : 1616

Serial No: 09/532,140

EXAMINER:

MR. ALTON N. PRYOR

Filed : MARCH 21, 2000

DOCKET : 1966

For : BIOCIDIC COMPOSITION CONTAINING PROPIONIC  
ACID AND IODINE CONTAINING COMPOUNDS

The Honorable Commissioner of Patents & Trademarks,  
Washington, D.C. 20231

Sir,

LETTER:

Further to Applicants' letter received February 20, 2004, it has come to Applicants' attention that subsequent to the February 9, 2004 article in TIME magazine, an additional lead article in THE LOS ANGELES TIMES dated February 18, 2004 is enclosed. This later article discloses in greater detail the type of virus involved in avian flu and human viruses, their structure and their function. A copy of this article is enclosed.

An article in U.S. NEWS & WORLD REPORT dated February 16, 2004 has stated that bird flu in Asia has jumped the species barrier on 20 occasions to infect humans in that region and causing 16 deaths.

A further article in the LOS ANGELES TIMES has stated that the European Union, South Korea and Mexico have now banned imports of poultry from this country. This export trade is in the billions of dollars, and does not count financial losses due to destroyed poultry. A copy of this article is enclosed.

A further article in the LOS ANGELES TIMES dated February 24, 2004 has reported that while a mild strain of avian flu was reported in Pennsylvania, Delaware and Maryland earlier this month, a more virulent outbreak strain of the virus, H5N2, has occurred in Texas. Officials at the Center for Disease Control and Prevention have indicated there was a low threat of human infection there, and this of course is reassuring. However, the mere fact that workers involved in the destruction of the Texas' birds have also been asked to monitor their own health, is obviously a cause for concern. The article further states that Russia and Canada have additionally banned the import of U.S. poultry. A copy of the article is enclosed.

It will be noted that the article in TIME magazine, and the February 24, 2004 item in the LOS ANGELES TIMES both indicate fecal dust is considered one cause, among many, for avian flu outbreak.

But, as far back as at least March 21, 2000 when this application was filed, the inventors herein had pinpointed approaches to reducing sources of avian flu, both by airborne and by direct application. This is noted in the Abstract.

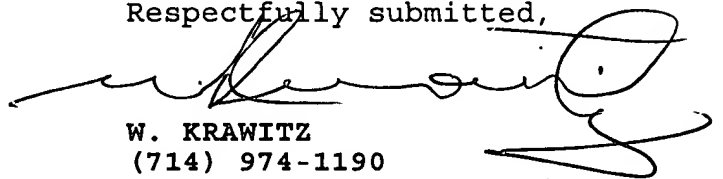
Also, on page 2, of the specification, lines 19 - 25, it is stated that, ".....to inhibit or remove airborne contamination, particularly in poultry houses where dust and airborne particles may carry many types of diseases."

Again on page 3, lines 30 - 33 it is stated that, "Air spraying with minimal or no water, will neutralize or minimize airborne contamination such as dust, organic material and particulates which may harbor airborne diseases."

Again on page 6, specific instructions are given both for washing down animal husbandry surfaces, especially poultry housings, and for air spraying, viz., ".....or by atomization into ambient air so as to neutralize dust and organic material, etc. which may harbor airborne contamination; and by fumigation." - lines 7 - 9.

It is suggested that if the poultry industry had adopted Applicants' recommendations four years ago, these recommendations had the potential for saving a large portion of the poultry export industry, for reducing poultry destruction, and for reducing the potential for a human pandemic infection. Obviously, Applicants' recommendations, products and methods are still available.

Respectfully submitted,



W. KRAWITZ  
(714) 974-1190

MARCH 2, 2004  
DATED

# Severe Bird Flu Diagnosed in Texas

The strain can be fatal to poultry but is called a low threat to humans. Officials monitor the health of farmworkers.

From Reuters

A Texas chicken flock was diagnosed with an "extremely infectious and fatal" form of bird flu Monday, and federal health officials began monitoring area farmworkers as a precaution against the first U.S. outbreak of a severe form of the disease in 20 years.

Although the strain in Texas is considered a low health threat to humans and is different from the one blamed for the recent deaths of at least 22 people in Asia, officials could not rule out a risk.

A team of federal human and animal health experts went into action after weekend tests showed the Texas flock had a

more virulent flu virus, known as H5N2, than a mild strain found this month in Pennsylvania, Delaware and New Jersey.

"Past experience with H5N2 viruses has indicated there is a low threat to public health," Dr. Nancy Cox of the Centers for Disease Control and Prevention said.

She said there were no known cases of the strain infecting humans, but added, "Nevertheless, as we move forward with this situation, we must keep an open mind and really monitor the situation as we go."

U.S. animal health experts said consumers should not be concerned as bird flu cannot be spread by eating poultry. Mild heating will kill the virus.

The Asian outbreak has alarmed scientists, who say it shows that a deadly strain of bird flu can jump species. Thai officials also have confirmed the deaths of two house cats from bird flu, the first domesticated mammals known to have con-

tracted the disease in that outbreak.

The last time a highly pathogenic strain of bird flu was found in the United States was in 1984. In that outbreak, more than 17 million birds were killed at a cost of nearly \$65 million.

Shares of poultry companies, including the nation's largest poultry producer, **Tyson Foods Inc.**, fell in response to the Texas case. Tyson shares slipped 46 cents to \$15.40 on the New York Stock Exchange.

At the Chicago Mercantile Exchange, some cattle and hog futures prices fell amid concerns that bans on U.S. poultry exports could cause a meat glut.

Farmers fear bird flu because sick birds produce fewer eggs, which are often misshapen or soft-shelled. A mild form of the virus, commonly found in migratory birds, is spread through the birds' feces or mouth secretions.

The infected Texas flock was discovered Friday and initially was thought to have a mild form

of the virus. Workers involved in destroying the flock of 6,600 birds were urged to monitor their own health for the next 10 days. Symptoms of bird flu in humans include fever, sore throat, muscle aches and pneumonia.

More than two dozen countries — including Russia, the top buyer of U.S. poultry — have banned imports of at least some American poultry since bird flu was found in U.S. flocks this month.

Industry officials fear that the Texas case may prompt Russia to expand its ban to cover all U.S. poultry. Canada, also a major buyer of U.S. poultry, halted imports from Texas on Monday.

Texas ranked No. 6 in U.S. chicken production in 2002, with 2.88 billion pounds, according to industry figures.

The bans on poultry shipments came on the heels of mad cow disease discovered in December in a Washington state dairy cow, which halted virtually all U.S. beef exports.



European Press Agency

**AVIAN FLU SCARE:** South Korea, Mexico and the European Union joined others in banning U.S. poultry imports. Above, chickens wait in cages at a processing plant in Texas.

## More Countries Ban U.S. Poultry

*From Times Staff and Wire Reports*

America's poultry growers are feeling increasing pain as more of the nation's trading partners ban imports of U.S. chickens, turkeys, eggs and other products after the discovery of a dangerous strain of avian flu in Texas.

On Tuesday, South Korea, Mexico and the European Union banned U.S. poultry products, joining a dozen countries that previously took such action.

The United States exports about 15% of its production, or about \$2 billion of poultry meat, eggs and live birds, according to the U.S. Department of Agriculture.

Only a small fraction of those exports — about \$20 million — are grown in California. The vast majority of the state's poultry and eggs is sold to consumers in the Western states, making it a \$2.5-billion business.

Still, California industry leaders were in Washington on Tuesday to inform the USDA and other agencies that farmers were taking adequate steps

to protect California's flocks. Last year, federal officials quarantined egg farms in Southern California and restricted their shipments after birds were found with exotic Newcastle disease. About 3 million birds were destroyed and about \$160 million spent to eradicate the virus.

"Because of Newcastle disease in California we are on high alert when it comes to security," said Bill Mattos, president of the California Poultry Federation. He was among those urging federal officials to reassure consuming nations that California farmers don't have infected flocks.

The greater concern to California's producers is how long any export ban may last. If borders stay closed for more than a month, there's a good chance poultry grown in other states could be dumped on the California market.

"If this continues very long and exports from other parts of the U.S. can't get out, it becomes a huge supply problem and hurts the price of chicken," Mattos said.

Meanwhile, other large U.S. poultry exporters were bracing for more immediate fallout.

James Grimm, executive vice president of the Texas Poultry Federation, said his membership of about 1,200 growers had annual exports of \$150 million to \$200 million.

"It does leave a huge economic impact on us," he said of the export bans.

Rising concern about chicken also prompted the biggest U.S. producer to reassure consumers.

"At this time, no Tyson flocks have been diagnosed" with avian influenza, Tyson Foods Inc. said. "Nonetheless, the companies in the commercial poultry industry are taking the finding very seriously and will adopt every possible measure to ensure the disease remains isolated."

On the New York Stock Exchange, Tyson Foods shares fell 39 cents to \$15.01, and Pilgrim's Pride Corp., the No. 2 poultry producer, fell \$1.05 to \$19.26. It was the second day of declines for both companies after the Texas discovery.

vents the feds from negotiating lower drug prices.

● *Another cozy relationship under scrutiny: that of Supreme Court Justice Antonin Scalia and Vice President Cheney. The Los Angeles Times last week reported that Scalia traveled with Cheney on Air Force Two to Patterson, La., where the chums went duck hunting. They took the trip last month, just weeks after the court agreed to consider Cheney's request to keep details of his energy policy task force secret.*

## HEALTH

## A SUICIDE WARNING

A government panel last week advised the Food and Drug Administration to require labels on antidepressants warning parents that the drugs might cause sui-



**MOSCOW TERROR.** A passenger rescued from a Moscow subway train blown up by a suicide bomber last week; at least 39 people died and more than 130 were wounded in the attack.

dal behavior in children and teens. The advisory committee said the warning is needed because doctors are increasingly prescribing drugs like Paxil and Zoloft to kids

even though they haven't been approved for use by children and there isn't any evidence they relieve pediatric depression.

● *Signs of trouble in kids on*

*antidepressants: agitation, anxiety, and hostility.*

## SCIENCE

## SAVINGS AND CLONE

Want to clone your beloved kitty? You're in luck. The first cloned cat, "CC," arrived two years ago, and now the pet-cloning company Genetic Savings & Clone is offering its services to the public. But better act fast—the firm will only clone nine cats this year, and three will be staff owned. The other six slots will be awarded on a first-come, first-served basis, at \$50,000 a pop.

● *Too pricey? For about \$5, you can buy a different sort of sci-fi pet, the GloFish. Billed as the first genetically engineered pet, this zebra fish glows red with the help of a gene from sea coral.*

## People

The bird flu sweeping through Asia has jumped from birds to humans at least 20 times so far, killing 16. If the virus mutates and begins to spread from person to person, it could potentially create a pandemic like the one in 1918 that killed over 20 million. Richard J. Webby, a virologist at St. Jude Children's Research Hospital in Memphis, is one of the scientists working on a vaccine. He has pioneered a new way of making flu vaccines using modern genetic tools that let his team take key genes from the bird flu virus and paste them into a safe vaccine strain.

**Do you have a prototype vaccine now?**

We have all the bits and pieces necessary. In the next week or so we will know whether our first attempt will be successful.

**Headlines are saying, "Ferret shortage delays flu vaccine." Is this a joke?**

One reason that ferrets are very good as a model is

that they are susceptible to human flu. It's not so much that there's a limited number of ferrets, it's finding ferrets that haven't been exposed to influenza. I don't think it's going to be that much of an issue.

**How worrisome is this bird flu?**

Certainly experts are very, very worried. But it's somewhat reassuring that we've seen such limited human infection considering the vast number of poultry that are infected.

**Is the United States prepared for a flu pandemic?**

We've seen some of what could happen this year. Exam rooms and emergency rooms filled up with what turned out to be just a bad beginning to a normal flu season. With a pandemic, we're talking that, magnified. I don't think we're going to be terribly prepared. Whether it's possible to prepare—that's another question.

**Will science ever do away with the need to worry about new flus?**

We'll certainly improve on our vaccination and come up with new antiviral drugs, but that's not going to get rid of the virus. Flu is here to stay. —Nell Boyce



RECEIVED IN THE UNITED STATES

In re Joanie M. Taylor, for an invention, entitled  
"CELLULAR PHONE" (DESIGN); Docket 2004-A;  
U.S. Serial No.: 29/172,360; Filed: 12/07/2002.

1. Issue fee + ten (10) copies: check for \$270.00;  
and,
2. PART B - FEE TRANSMITTAL: PTOL-85.

**WILLIE KRAWITZ**  
**REGISTERED PATENT AGENT**  
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DATE **FEB. 26, 2004**

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FOR **ISSUE FEE 29/172,360;**  
**JOANIE M. TAYLOR;**  
**DOCKET: 2004-46711-11:1220002471:099640276411**

*[Handwritten signature]*

3967

16-24  
1220 4591



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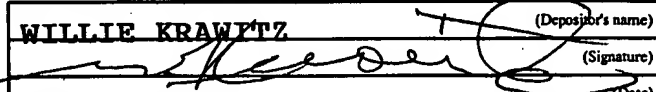
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**WILLIE KRAWITZ**  
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**WILLIE KRAWITZ** (Depositor's name)  
 (Signature)  
**FEBRUARY 26, 2004** (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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29/172,360

12/07/2002

Joanie M. Taylor

2004-A

2764

TITLE OF INVENTION: CELLULAR PHONE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional

YES

\$240

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\$240

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EXAMINER	ART UNIT	CLASS-SUBCLASS
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ASCH, JEFFREY DAVID

2913

D14-138000

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1 **WILLIE KRAWITZ**

2

3

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